

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SUMITOMO MITSUBISHI SILICON  
CORPORATION, et al.,

No. C 05-2133 SBA  
(Related to Case No. C 01-4925)

Plaintiffs,

**ORDER**

v.

[Docket No. 55]

MEMC ELECTRONIC MATERIALS, INC.,

Defendant.

This matter comes before the Court on Defendant's Motion for Leave to File Amended Answer and Counterclaim [Docket No. 55]. Defendant's Motion is unopposed.<sup>1</sup> Having read and considered the papers submitted to the Court, the Court considers this matter appropriate for resolution without a hearing.

For good cause showing,

IT IS HEREBY ORDERED THAT Defendant's Motion for Leave to File Amended Answer and Counterclaim [Docket No. 55] is GRANTED.

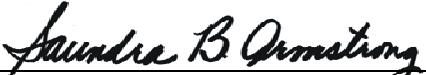
IT IS FURTHER ORDERED THAT Defendant shall file and serve its Amended Answer and Counterclaim **no later than three (3) days following the date of this Order.** The parties are hereby reminded that they are obligated to meet and confer with each other prior to filing any motions with the Court. The underlying rationale for this obligation is the elimination of the need for the Court to expend limited judicial resources on matters that could otherwise be resolved by the parties through stipulation. Further, if a party determines that it no longer opposes a motion that is pending before the Court, the Court expects the party to promptly advise the Court by filing a statement of non-opposition on or

<sup>1</sup>Plaintiffs filed a Statement of Non-Opposition on January 3, 2005.

1 before the date that the opposition brief is due.

2 IT IS SO ORDERED.

4 Dated: 1/3/06

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SAUNDRA BROWN ARMSTRONG  
United States District Judge